Mr. P. Govinda Menon *(Minister for Food and Education)*:

(*a*) 2.

(*b*) 2.

(*c*) 1. No.

2. Yes.

(*d*) The Manager of the Alliance Industries,, Trippunittura, Mr. S. Vinayagom, is the party responsible for the illegal lock-out. A case has been launched against him in the Second-class Magistrate's Court, Ernakulam. The case is pending disposal in that Court.

EXTRA SUGAR SUPPLIED—ENHANCEMENT OF PRICE

151. മിസ്റ്റർ ടി. കെ. എൽ. കുഞ്ഞുവറിയു": താഴെ പറയുന്ന ചോദ്യങ്ങൾക്കു" ബഹു മാനപ്പെട്ട ഗവൺമെന്റു" ദയവു മറുപടി പറയുമോ.—

(എ) സ്പെഷ്യൽ പെർമിറ്റിന്മേൽ കൊടുക്കുന്ന പഞ്ചസാരക്കു" ഇരട്ടി വില വസൂലാക്കും എന്നു ചില പത്ര റിപ്പോർട്ടുകളിൽ കണ്ടതു ശരിയാണൊ;

(ബി) അതിന്റെ ഉദ്ദേശം എന്താണു"?

മിസ്റ്റർ പി. ഗോവിന്ദമേനോൻ:

(എ) അതെ. സ്പെഷ്യൽ പെർമിറ്റിന്മേൽ കൊടുക്കുന്ന പഞ്ചസാരക്കു" ഇരട്ടി വില വാങ്ങിക്കുന്നുണ്ടു".

(ബി) സ്റ്റോറിലേക്കു" അനുവദിച്ചിട്ടുള്ള കോട്ട വളരെ ചുരുക്കമാകയാൽ അതിന്റെ വിലവു കൂടുന്നതിനുവേണ്ടിയാണു".

III. PRESIDENT'S ANNOUNCEMENT REGARDING ADJOURNMENT MOTIONS

Mr. President: I have received five notices of motions to adjourn the business of the House from Mr. P. Kumaran Ezhuthassan. The first one asks the Government to extend for a week the period allowed in His Highness' recent Proclamation for the deposit under, the recent amendments to the Verumpattomdars Act. I ask the Honb'le Member to satisfy me whether this a specific matter of urgent public importance.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)*: Sir, the Proclamation gives time for the deposit of the amount till the 22nd Makaram which expired yesterday. The condition of the agriculturists, the Verumpattomdar of the State being what it is, so very well known —immersed in poverty—he puts off he is constrained to put off the payment to the very last day on which date he may by some method succeed in paying. That has been observed in various other cases also. In this case, the 22nd, the last day for the payment, that is Tuesday, was a holiday, all too suddenly declared as a holiday—21st the preceding day declared a holiday, more suddenly and the previous day Sunday again a pubilc holday, so in all the last three days unfortunately became holidays to the detriment of the unfortunate tenants. I know for a fact, Sir, that on Monday very many verumpattomdars, as far as Vadakkancheri Munsiff's Court is concerned, turned up for depositing amounts. I am aware of the rule that when the last day for the purpose of an application is a holiday, the thing could be done on the next working day, but I am also aware of certain rulings of the High Court which has interpreted that special enactments and proclamations which are necessarily of a special nature themselves have to be strictly construed and these ordinary rules may not be applicable to them. That being so, and the case of the verumpattomdar being such a miserable one, to be on the safe side, my prayer through the adjournment motion is that the Government may be pleased graciously to extend the time only for a few days so that he may not suffer from things over which he had absolutely no control. The urgency arises like that and the importance is so well-known that it requires no explanation and the misery of the tenant is the ground on which I place this matter to be discussed as adjournment.

Mr. M. Sivarama Menon *(Advocate-General)*: The point raised by the Hon'ble Member for Vadakkancheri is that because the last day for the deposit of the amount under the

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Verumpattamdar's proclamation specially issued to save them from eviction happened to be a holiday and that a further chance may be given to them to make the deposit. The Hon'ble mover also referred to the provision in the general clauses act by which an act to be done on a particular day and if that day happens to be a holiday can be considered to have been done on the next working day. That question will again be considered with reference to this particular question and if I find that because yesterday happened to be a holiday any Verumpattamdar is to be seriously prejudiced I will be making the necessary recommendations. There will be no difficulty regarding this. But I am not now convinced that this clause will not apply to this nature. Certainly the Government will examine that position and the matter will be placed before the Government, and in that respect I do not think an adjournment motion is necessary. It is not such an urgent matter in the sense that there is already a provision and it must be left to courts of law to interpret. In this case we need not even wait for that. This question will be examined by Government.

Mr. President: In view of this statement does the Hon'ble Member wish to press his motion?

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* Sir, I do not want an immediate adjournment but.....

Mr. President : I cannot admit the motion conditionally. I think the Hon'ble Member will be well advised, in the light of the explanation, to with draw this motion.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* Sir, I am obliged to the Advocate-General as also to the Government because they have promised to examine this matter further but still to be on the safe side it is better that this point is decided soon and this motion is considered after that.

Mr. President : The Hon'ble Member can bring forward the matter again if he thinks it necessary. At the moment, I advise him, it is unnecessary.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* Taking that tip, Sir, for the time being though relectantly, I with draw the motion.

Mr. President : The next notice is to adjourn the business of the House in order to request the Government to be pleased to extend the scope of the the same Proclamation referred to in the last notice to all cases filed for eviction of Verumpattamdars for failure to pay pattom in time, as also to decrease, where the Verumpattamdars are concerned prior to the date of the Royal Proclamation. Can the Hon'ble Member satisfy me about the urgency and public importance of this matter?

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* I shall try, Sir it is so very well-known that the clauses in the Verumpattamdars Act section 8 (c).....

Mr. President : Before the Hon'ble Member begins, I may remind him that this matter has been engaging our attention for months if not years and I do not know how this suddenly assumes an immediate urgency.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* With that tip, Sir, I shall try, and I shall immediately place before the House the difficulties under which the various tenants are struggling because of the wording of the section. The Proclamation is to the effect that it will cover cases instituted on or after 12th Meenam 1119. The significance of that date is that it was on that day the asmsending bill was considered by this House. But I have got in this file as a result of the statement that I issued in the papers inviting the attenton of the various tenants as to what they have to do, a big file containing about 100 cases wherein suits filed on the 11th Meenam, suits filed one or two days earlier and though they had made the deposit even before the Proclamation in many cases along with the written statement and they are prepared to deposit under the terms of the Proclamation, they do not stand to get the benefit. Equally so, one or two days prior to the date of the Proclamation. I know cases in my own place in Vadakkancheri Court where evictions have been successfully effected by jenmies decree-holders because the Proclamation was not all at once issued, it was announced through a press note that the Government were going to do some such thing. So the very section of the landlords took pains to see that before the issue of the Proclamation they reduced the properties to their possession. I know of cases where properties were taken out of tenants possession just on the previous day of the Proclamation. That is the havoc, I mean, that is the condition in which the verumpattamdar has been placed. Therefore now that the Government have been graciously pleased to give all the benefits conferred by the Proclamation to suits filed after the introduction of the amending Bill it will not be too much on the part of the tenants, Sir, to request to give them the benefit of the Proclamation to cases mentioned in the adjournment motion. Hence the urgency and the public importance of the subject of the motion.

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Mr. M. Sivarama Menon *(Advocate-General)*: Sir, The matter raised in the adjournment motion which has been presented does not at all raise a matter of urgent public importance with in the meaning of the Standing Orders. Because even at that time when the original Verumpattamdars Bill was being considered by the Council the question of giving retrospective operation to certain provisions of the Bill was considered owing to the reason that a former Diwan of Cochin made an announcement to the effect that any jenmi who instituted any proceedings stand to suffer because there will be provisions in the Bill to the effect that these evictions will be nullified at least ever since that date and that retrospective operation should be given and this House voted against that. This question has been engaging the attention of the House even at the time when Mr. Kumaran Ezhuthassan's Verumpattamdars Amendment Bill was considered by House and these aspects were considered fully and at the time when a message was sent by the Diwan regarding the particular amendment which was necessary for the passage of the Bill, it was pointed out in this House with regard to pending suits and Government have considered all these aspects of the arguments of the protagonists of this move for such a long time and taken a decision and issued a Proclamation. Therefore what I beg to submit is this is not at all a matter of urgent importance because that has been engaging the attention of the House and members of the public for a very very long time and the question also has been taken upon that subject matter pressed in the motion. Further, it will also be found that two non-official Bills have already been tabled, one by Mr. K. T. Achyutan and another by Mr. V. R. Krishnan Ezhuthassan, the purpose of these Bills mainly being to give retrospective effect or operation to cases prior to 19th Meenam 1119 to which alone the Proclamation applies. This is practically anticipating a matter which will again have to be discussed if leave is granted to these Bills. At any rate, it is not an urgent matter which calls for an urgent motion and that is the objection that I have to raise, because it must be a matter of urgent public importance.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)*: Mr. President the last point raised by the Hon'ble Advocate-General is that if this motion is allowed to be discussed it will be anticipating two Bills that are before the House. The Advocate-General ought to have known as I am sure, he knows that the Bills for the simple sin of their being non-official Bills cannot get through this House as expeditious as Government Bills can. If on the other hand, these were or at least one of them, at least that of Hon'ble Mr. K. T. Achyutan has been a Bill sponsered by the Government, I will, certainly, not have sought leave for adjournment of this house to discuss this matter. That Bill, just now, is only at the stage of leave to introduce; next stage will be consideration then all the dialatary process, the well-known prolonging polices and finally that Bill, the House being constituted as it is, may get through this House and I am sure if it once gets through it, will get royal assent also. But it will take time, long time. By that time the purpose to be served by that Bill will be whittled down to a great extent if not completely over. Hence to say that it is to anticipate the non-official Bill is not an argument much less one which ought to have come from the Hon'ble Member. When it is patiently seen that these Bills will not serve the purpose for which the adjournment motion is now tabled to say that it is an anticipation of these Bills is no argument at all, I assert. Then with regard to the earlier history of the passing of this Verumpattamdars Act in 1118 referred to by the Advocate-General. I heard the Advocate-General to say, Sir, that this matter was considered at that time and he trotted out the argument, that the amendment for giving retrospective effect was thrown out by this Hon'ble House. I want to bring to the notice of the Hon'ble Advocate-General and this Hon'ble House and the Government that this was accomplished by the stand that the Government did take, much to the chagrin of the Verumpattamdar, in opposing that amendment which attitude I am glad to say has been changed and rightly changed when my amending Bill which is nothing other than my own earlier amendment thrown out as stated by Advocate-General. So my position, as I enunciated in a certain memorandum which I placed before the Government, most of which, I am glad to say, Sir, has been accepted, is that had the Government not opposed that amendment at that time the amending clause would have been in the act as it was passed in the year 1118. Now that the Government had been seen to be a party in that unhappy state of affairs at the original stage of the Bill, it is their duty, Nay it behoves them to make amends for their own mischief and help to give retrospective effect back to the date of the Act. That is the position regarding the early history and the argument of the Advocate-General on that score. That being so, my respectful submission, Sir, in the language used by me in a subsequent memorandum which I had placed before all the Hon'ble Ministers and also before the Diwan and also before His Highness the Maharaja, which prayer of mine, I was under

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the impression, that it was receiving the earnest attention, kind attention of the Government, is that a discussion in this house will be useful for the Government to come to early conclusions on that memorandum of mine made on behalf of the Verumpattom tenants of Cochin if the House will be pleased to allow a discussion, if the house will be pleased first to discuss the motion and then discuss properly and in the proper perspective, That, Sir, will be helpful to the Government upon a matter that is already before them. With such an object it is that I have placed the motion before the house. I am sorry to submit, Sir, that I have not been convinced by the arguments which the able Advocate-General has put forward to oppose the motion although he has placed the whole matter in a sufficient way. But unfortunately it has not cut the ice. Therefore Mr. President, I repeat I am not satisfied and I am hence not in a position to withdraw this adjournment motion.

Mr. President: I have decided that in this case I must accept the view put forward by the Advocate-General that this is not a matter of such urgent public importance, as to form the subject matter of an adjournment motion. I rule it out of order.

The next notice asks for the adjournment of the business of the House for the purpose of discussing the issue of orders prohibiting meetings in Chittur and Trichur. I am afraid that this notice seeks to bring under discussion in shis House judicial orders which are subject to revision by superior judicial courts and I cannot see it is in any way consistent with public interest that such a discussion should take place. I, therefore, rule it out of order.

Then the next motion seeks to censure the Government of the day for the police excesses indulged in at Trichur on the 19th of Makaram 1122.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* Mr. President, it is so well-known that encroachments upon the liberties of the public are the very last things to be resorted to by a Government which has got any pretentions to be a civilised Government and it is so well known that ours is a civilised Government and that we are getting aplause from outside, deservedly. Such a Government, when it is known or at least when it is proved beyond a shadow of doubt has indulged in brutal lathicharges upon persons who in their conviction, right or wrong, but honest convictions thought it necessary to break an order promulgated though by proper authority, but unwisely and wantonly if their arrest was thought necessary they could be arrested as they have been arrested, but that could be done in a humane manner..

Mr. President: Order, order. The Hon'ble Member need not go into the merits of the case now. I only want him to show that it is a matter of urgent public importance.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* Sir, it is urgent in the sense that this thing was done on the 19th instant. There is apprehension that it may be repeated as it was repeated after the 19th instant. To prevent that brutal process want only indulged in on the 19th I have tabled this adjournment motion and its urgency is thus established. That it is of public importance is granted by the very fact that lathi charges and beatings are the very last which should be resorted to by the police upon citizens of the State, educated citizens of the State and therefore, any infringement of their rights is a matter of supreme public importance. If this is not a matter of public importance, nothing under the sun in Cochin can be. I believe I have satisfied both on the urgency and also the public importance of my motion.

Mr. M. Sivarama Menon *(Advocate-General):* The motion in this case relates to a matter of very recent occurrence. It is so closely connected with the maintenance of law and order in the State that it involves questions of policy which can be considered to be of public importance. I, therefore, think that an opportunity may be afforded for a discussion of this motion.

Mr. President: I agree that this motion is in order. This motion reads "under standing order 13 I seek your leave for the adjournment of the business of the House for the purpose of discussing an urgent matter of public importance, to wit, to censure the Government of the day for the police excesses indulged in at Trichur on the 19th of Makaram 1122," those who are for the motion will please stand up. As over 20 Honourable Members are in favour of the motion, the motion is admitted. I appoint 3-30 to-morrow afternoon for discussion of this motion.

The last notice seeks to adjourn the business of the House to discuss the distress caused to cocoanut growers and people in general by control orders issued by Government regarding cocoanut oil and cocoanut products. Will the Hon'ble Member satisfy me on this score?

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* Mr. President, there had been demands in this House Sir, to have the price of cocoanut and coconut oil control required for house consumption. We asked for one thing and we got something else.

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Mr. President: The Hon'ble Member will kindly confine himself to the admissibility of this motion.

Mr. P. Kumaran Ezhuthassan (*Vadakkancheri*): Yes, Sir, the order is of recent origin has to be admitted, and distress has been caused to the public, especially cocoanut growers is clear from the various public meetings, various representations made repeatedly by various interests in the State and representations made I believe to the Minister for Food as also to other quarters of the Government with regard to the difficulties that they are experiencing and thus far no redress has been granted. The nature of the distress it is not necessary for me now to place before the House. That there is distress is clearly patent from the papers. Therefore, it is a matter of very great public interest and importance and it is also urgent. For the cocoanut growers, unless something is done immediately, even if the Government in their wisdom subsequently come to the rescue of the cocoanut growers and the persons interested in that industry as also other persons who use cocoanut oil, these do not stand to be benefitted. So, Sir, though at the belated hour the Government ought to rectify the mistake that has been committed. Therefore it is of urgent importance too.

Mr. M. Sivarama Menon *(Advocate-General)*: Sir, I regret that I cannot agree that this is a matter of urgent importance. These control orders have been issued several days back and the House is fully aware of the fact that the purpose of these orders is to give some benefit to the people. It is perfectly well-known. Whether this is a matter of urgent importance has to be considered. I would like to point out to the House that this is not at all a matter where a discussion would facilitate the issues involved, because this is engaging the attention of the Government. A deputation met the Hon'ble Minister for Food and Education on this and the matter is engaging the attention of the Government. It is not a matter in which a unilateral action can be taken by this Government. I never for a moment think that this is a matter of urgent public importance as to demand a discussion in this House of the questions involved in the motions that have been tabled.

Mr. P. A. Mohammed Ashroff *(Cranganur)*: On a point of information may I know whether there is any possibility of giving.....

Mr. M. Sivarama Menon *(Advocate-General)*: There was sufficient notice and a resolution could have been moved but no one has moved any resolution.

Mr. P. Govinda Menon *(Minister for Food and Education)*: The order was issued on the 15th December, that is about 2 months back. There was ample time for any Honourable Member in this house to send a resolution on that matter.

Mr. P. A. Mohammed Ashroff *(Cranganur)*: There are already 67 resolutions.

Mr. President: The Hon'ble Member is not in order in discussing this.

Mr. P. A. Mohammed Ashroff *(Cranganur)*: If the resolution.....

Mr. President. The Hon'ble Member is not in order.

Mr. P. Kumaran Ezhuthassan *(Vadakkanheri)*: I am sorry that the Hon'ble Minister and the Advocate-General have thought it necessary to oppose the admission of the motion. The Hon'ble Minister was observing, Sir, that this Order was passed on 15th December and there was ample time for any Hon'ble Member of this House to table a motion. A motion it has been said, Sir, has been tabled shows that in considering the admissibility of this motion the fact that there is a similar motion coming up later is not sufficient by itself. It has also to be proved that it is possible to reach the particular resolution. And the place it had obtained below the resolutions left out from the last session clearly shows that it is practically impossible to reach the resolution unless the Council sits for a month more. And the Council I am sure is not going to do anything like that. Therefore the fact that there is in print a resolution is not an argument to show that this motion is one overreaching the other. Therefore that also is not an argument. The Hon'ble Advocate-General thinks that this motion is not of urgent importance. I have nothing more to add to what I said to establish the urgency and the importance of the matter. Cocoanut oil is necessary even for the poorest man and we know how much he gets if at all he gets it, how he gets it and to what extent he gets it are points so notorious that I had better not mention them. Cocoanuts also we know are very difficult to get and the very high prices at which we get them. The observation of the Hon'ble Minister that we cannot take a unilateral decision since the Government of India is also concerned with it. I am not prepared to agree with him. Government of India have controlled only the prices of copra and oil. I seriously charge the Government of Cochin for their order which controls the prices of copra

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and oil along with other products. Are there not other products of cocoanuts controlled by them and mercilessly and with partiality to some. One instance is the amount allowed for milling *i. e.*, for crushing at the mills. There are persons in this House who are competent to speak on the average charges of crushing the copra in mills which is far far below what is allowed by the Order after it was revised from Rs. 45 to 25—I am not however exact in the figures. The actual charges are far, very far lower than that. These are things which affect the cocoanut grower although indirectly.

Mr. P. Govinda Menon *(Minister for Food and Education):* Where is the figure referred to for crushing ?

Mr. K. Balakrishna Menon (*Cheruthuruthi*) : Not in print but by implication.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* Yes, exactly by implication. The Honourable Minister can take shelter in technicalities. Therefore the argument that we cannot take a unilateral policy also does not hold water in as much as British India does not restrict the prices of all the products of cocoanut that have been controlled by our Order. The cocoanut growers are certainly in a most distressed position. If it is the wish of the House that it should be discussed, I am sure you will be pleased to grant the request. It is a mutually beneficial matter both to Government and the growers that has been placed before the Chair which I believe, the Chair will be pleased to grant.

Mr. President : But I understand that a notice has been given for admitting a resolution on this subject.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* I am not sure. It was stated by one section of the House. There was an observation. My purpose will be served if that motion is allowed to be discussed as the first.

Mr. President : I do not find in the agenda any such resolution. That being so, I am of opinion that this notice is in order and that it is a matter of urgent public importance. Will the Hon'ble Members who support this motion please stand in their places. As less than 20 Hon'ble Members have stood in their places, the motion cannot be admitted.

(b) Discussion regarding Food Question

Now before we proceed, Mr. Kumaran Ezhuthassan has asked me to give him special facilities to move the following motion that "the Food Question in the State be taken into consideration". Hon'ble Members have ballotted for the resolution which have been given notice of and Mr. Kumaran Ezhuthassan's request amounts to over-ruling the result of the ballot so his this motion will have precedence. I understand that one Non-Official resolution is under discussion. I cannot give Mr. Kumaran Ezhuthassan precedence over that resolution. But if the majority of the Hon'ble Members do desire it, I have no objection to allow this resolution on the food question to be taken up immediately after the discussion on the resolution now before the House is finished. What is the position of the opposition ?

Mr. Parambi Lonappen *(Irinjalakkuda):* We are in support of the proposition that the food question must be taken up immediately after the resolution which has been partially discussed.

Mr. President : Is that the general wish of the House ? Does any Hon'ble Member differ from this view ? Mr. Kumaran Ezhuthassan will be allowed to move his motion as soon as the discussion on the resolution which is now before the House is finished. But, I understand that the Government would prefer not to have the discussion to-day or to-morrow.

Mr. P. Govinda Menon *(Minister for Food and Education):* If it is to-morrow or any day after, it would be convenient.

Mr. President : We will now proceed with the business in the Agenda.

IV ANNOUNCEMENT OF BILLS ASSENTED TO, BY H. H. THE MAHARAJA

Secretary to the Council : Under S.O. 5(2) I have the honour to announce that the following Bills passed by this Council have received the gracious assent of His Highness the Maharaja.

i. The Cochin Agricultural Improvements Loan Act (Amendment) Bill.
ii. The Cochin Verumpattamdars Act (Amendment) Bill.
iii. The Cochin Public Canals and Back-waters Navigation Act (Amendment) Bill.
iv. The Cochin Essential Articles Control and Requisitioning Powers Bill.
v. The Industrial Employment Standing Orders Bill.
vi. The Cochin Newspapers Act (Repeal) Bill.

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